

Call to Order:

The meeting was called to order at 7:30 p.m. Present were Chair, Joan Duff, members Jay Doherty, Eric Macaux and Lelani Loder, and Associate Member Zach Bergeron; also present were Paul Materazzo, Director of Planning and Jacki Byerley, Town Planner.

Ferry Crossing – 289 River Road:

Ms. Duff opened the public hearings that were continued from the July 16, 2013 meeting on an application by 289 River Road LLC for a Definitive Subdivision Plan, a Special Permit for Cluster Development and a Special Permit for Earth Movement for Ferry Crossing, a proposed subdivision located at 289 River Road.

Ms. Byerley stated that the applicant has answered most of the questions from the IDR and she reviewed the remaining open items. A calculation of the amount of wetlands in the open space as well a noncluster layout plan need to be provided. The street trees and details as to their distance from the force main easement need to be added to the plans. The waiver request in the note on the plan needs to be put in writing along with reasoning as to why it should be granted. The O&M Plan needs more detail on how the infiltration chambers will be inspected, maintained and replaced on HOA Lot 1, and a detail on the mowing to make sure there is no tree growth over the chambers. An explanation is needed on how pooling will not take place on Lot 3 based on the alternate above ground path for the drainage provided on the grading plans. Additional information is also needed on how the infiltration trenches and roof drains on the individual lots will be constructed and maintained. Ms. Byerley requested that the sequencing information on Sheet 10 provide how long the stockpiling will remain on the lots and she asked for a clarification on the limit of clearing area. The Professional Engineer needs to sign the cover sheet. On Sheet 12, the “Water Typical Trench Section” has a note that the “Suitable Excavated Material hand placed and compacted or gravel bedding if ordered by engineer”, but it does not specify if they are referring to the Town or the applicant’s engineer and at what time this will be determined. The DPW memo also had open items that they would like addressed with any submitted revisions.

Steven Stapinski of Merrimack Valley Engineering responded to Ms. Byerley’s requests. He stated that the tree placement is shown on the plan and profile and the grading at the end of the cul-de-sac shows water running off into the open space. All DPW items are addressable and are not going to be an issue. In regards to the conventional sketch, he stated that this application is for a cluster subdivision. A conventional plan would be five lots and the Form A lot with no dedicated open space, and all lots on septic systems. The cluster subdivision would be six lots and the Form A lot, and would include dedicated open space to AVIS. A significant benefit of the cluster is bringing the sewer down River Road so that homes on Furnari Farm Lane, Cobblestone Drive and River Road can be sewered in the future. Under the By-Law, there could be 11.32 lots in this cluster subdivision, but this would only be six lots. He stated that the Planner is asking for a conventional plan with seven lots, but he does not have one, nor does the Board need one. The Board only needs a conventional plan for if the cluster is not approved. Mr. Stapinski requested that the Board re-read the regulations regarding the conventional plan. He stated that the comments from the peer reviewer, ESS Group have already been addressed. Ms. Byerley read from Section 7.1.3 of the Zoning By-Law which states, “The applicant shall demonstrate to the Board by a written statement accompanied by a sketch plan of a noncluster

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demonstrate to the Board by a written statement accompanied by a sketch plan of a noncluster layout at a scale of one inch equals 40 feet or one inch equals 100 feet, the reason or reasons why the Board should give favorable attention to an application for a special permit to cluster.” She stated the applicant has not provided the sketch or the written statement. The area in the conventional sketch needs to match the area in the cluster plan, which is 11.88 acres. The cluster plan right now has 12.88 acres because it includes the Form A lot. Ms. Byerley stated that the Board should take into consideration the benefits of the cluster subdivision; however, the applicant needs to provide the required conventional sketch and statement. Ms. Duff asked Mr. Stapinski if this would be a problem or have any sort of effect, Mr. Stapinski stated that the effect is that they would have six cluster lots. Ms. Loder stated that the extra lot will be the open space lot and added that all Mr. Stapinski has to do is provide the plan.

Janet Bernardo of ESS Group, the peer reviewer, reviewed the drainage on the property. She stated that the property is sloped towards the Merrimack River so the natural flow of any water is towards the northwest corner. Runoff from the lots east of the proposed roadway flows into the infiltration system and drainage from west of the proposed roadway naturally flows to the wetlands. One concern is that the submitted calculations show all of the runoff going to the infiltration trench, but the fact is that it cannot all get there. Another concern is how the Hydrocad was modeled. The storage volume of the chambers is not calculated correctly as the Cultec chambers were counted twice, as storage within the chambers and as storage within the stones. She stated that the Form A lot must be included in the calculations per Conservation Regulations. The Conservation Commission has asked for a review of the project against their bylaws. Ms. Bernardo also introduced Lauren Caputo to the Board, the engineer who will be taking the project over from Ms. Bernardo as she is leaving the ESS Group.

Mr. Stapinski stated that Ms. Bernardo’s review was extremely comprehensive because she looked beyond the Planning Regulations by including the Conservation regulations. Ms. Bernardo confirmed that she had looked at the Massachusetts Stormwater Handbook Guidelines to make sure that the project was in compliance. She will now be looking at the Andover Conservation regulations.

Ms. Byerley informed the Board that the DPW requested that test pits be conducted now to determine the elevation of the seasonal high groundwater, and make sure that the two-foot separation is maintained. Mr. Stapinski answered that test pits have already been done in the area of the infiltration system. Ms. Bernardo confirmed that there are test pits at the infiltration system, but at one location, the elevation is difficult to read. Once the system is installed, it may need to be redesigned. No test pits have been done on the house lots, only in the roadway and at the large system. There was further discussion on the roof drains and how it can be guaranteed that each house will have the roof drains constructed properly. Ms. Bernardo informed the Board that if the subdivision goes to the Conservations Commission as a whole, the Certificate of Compliance would require the roof drains to be in place. Mr. Stapinski stated that Conservation prefers that they only file for the road and the lots with jurisdiction. The individual homeowners will maintain the infiltration chambers. All of the lots will have covenants and there will be a homeowner’s association in place. The HOA will maintain HOA 1, the infiltration system and maintain the force mains along the easement. The HOA will also be responsible to ensure that

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the individual roof infiltration systems are in place and maintained. After the Certificate of Compliance is granted, the Order of Conditions for each lot to maintain the roof system would remain in place. The three lots west of the road will each have a 3x1 ft. trench with a 20-foot grass buffer. Ms. Byerley stated that sometimes the roof drains are not constructed or connected properly. Ms. Duff asked if the Certificate of Compliance would only be on three lots. Mr. Stapinski stated that it would be for three lots, but it is to the homeowners' benefit to construct the roof drains properly. Mr. Materazzo asked if the Town was looking for a way to get proof that they are installed prior to occupancy. Mr. Stapinski suggested that the Board could include a condition in its decision requiring that an as-built drawing be provided for the infiltration system.

Ms. Loder questioned if the numbers used in the Hydrocad model were acceptable. Ms. Bernardo answered that she has not seen the new numbers yet, but she thinks it may have just been a typo. She stated that it is a large system and there is a lot of extra area for storage that cannot be counted that was counted. Mr. Stapinski stated that as a result of changing the percentage of voids from 55%-40%, they added a row on end of infiltration system.

On a motion by Mr. Macaux, seconded by Ms. Loder, the Board moved to continue the public hearings for Ferry Crossing a Definitive Subdivision, Special Permit for Cluster Development and Special Permit for Earth Movement to September 10th at 7:30 pm. **Vote:** Unanimous (4-0).

89-93 Main Street:

Ms. Duff opened the public hearing that was continued from the July 16th meeting on an application by Jared Eigerman, Esq. of Dalton & Finegold, LLP for a Special Permit for Planned Development, Mixed Use for the property located at 89-93 Main Street, mostly commonly known as Olde Andover Village.

Jared Eigerman of Dalton and Finegold gave an overview of the parking plan, which includes onsite parking, remote parking and shared lots. The onsite parking includes 14 residential spaces and 31 commercial spaces. The restaurant, when occupied, will utilize the most parking spaces, needing 39 onsite spaces in the PM peak. Office space is currently 90% leased, fast food is fully leased and there is less than 1,000 s.f. of other uses that also have peak hours of 9AM-6PM.

Tenants of the multifamily dwellings will be able to pay a fee for a reserved parking space from 6:01PM – 9:00AM. For a premium, the space can be reserved 24 hours a day. During the day, 31 spaces are available to commercial tenants. Enforcement will be through towing for unknown vehicles and fees or revocation of rights for tenants. The Historical Society has offered to go to their Board to request that the applicant be allowed to use 10 spaces on their property in the evening. They have secured two spaces in the adjacent Town lot through the parking permit program and they are on the waiting list for 10 more spaces. Other viable public parking areas are the Town House lot, which has 66 spaces, and the Park Street lot with 141 spaces, which are both within 1200 ft. and can be designated for employee parking. There are 116 on street spaces that are within 60 ft. of the property. There are also street spaces located southerly on Main St., Locke St., and School Street, some of which have no time controls. The applicant plans to go to the Selectmen to ask permission to stripe a vacant area of the adjacent municipal lot.

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Mr. Materazzo stated that this property is on the edge of the downtown closer to Phillips Academy. The on street spaces on Main Street and the side streets are more viable for this location. From the site visit today it was apparent that there are no parking issues right now and 90% of the office space is leased out. He does not see an issue with what is being proposed, and thinks in actuality they probably have a number of more parking spaces than some of the businesses in the downtown which heavily rely on municipal lots and on street parking.

Ms. Loder asked for more information on the 10 spaces at the Historical Society. John Fenton, managing partner of the property stated that as part of an agreement they would add 10 spaces at the Historical Society to be shared. Mr. Materazzo asked when the Historical Society's Board would be petitioned and Mr. Fenton stated this week. Mr. Macaux stated that he did not see the securing of spaces at the Historical Society as a condition for approval, but Ms. Duff stated that a commitment from them is her preference. Mr. Fenton pledged that he would pursue it along with other opportunities with the Historical Society that they are working on. Ms. Loder asked if he would also pledge to petition the Board of Selectmen for the spaces to be striped. Mr. Eigerman answered that they would because they have to go to the Board of Selectmen for permission for the patio.

Mr. Bergeron asked for a review of the parking regulations and Mr. Eigerman reviewed the plan for the Board. Mr. Doherty asked why the residential parking has two categories. Mr. Eigerman stated that it gives more flexibility, because there may be people who are not willing to pay for a reserved parking space 24/7, and that would free up more spaces. Mr. Doherty asked what would happen during winter snow emergencies. Chris Arruda, managing partner, stated that they would be able to park at the Historical Society during snow emergencies. Mr. Doherty clarified that there would be a spot available for those who do not rent a space during snow emergencies and Mr. Arruda assured him that there would be.

Mr. Doherty asked if approved, how long this would be set in stone. Mr. Materazzo stated that it is based upon square footage so it could be tied to the square footage and/or the parking. He suggested that the parking calculations could control the building, so that they can mix and match the uses without having to come back to the Board as long as the parking requirements are satisfied. Mr. Doherty asked if the patio was included in the calculations, but Mr. Materazzo answered that, any outdoor space is exempt from parking because it is seasonal. Ms. Loder added that the building would dictate the parking because if parking is not available, businesses will not want to lease space there. Mr. Arruda stated that the calculations are based on the highest capacity, including a restaurant, but uses could change resulting in less full time employees.

Mr. Doherty asked if they could come back in a year for a review. Ms. Byerley stated that a review of permits relating to parking is generally complaint driven. The Board discussed when the applicant should come back to check in with staff. Mr. Macaux suggested they check in with staff twelve months after the restaurant space is leased.

On a motion by Mr. Macaux seconded by Mr. Doherty the Board moved to close the public hearing on an application by Jared Eigerman, Esq. of Dalton & Finegold, LLP for a Special

89-93 Main Street (cont'd):

Permit for Planned Development, Mixed Use for the property located at 89-93 Main Street, mostly commonly known as Olde Andover Village. **Vote:** Unanimous (4-0).

The deliberations for this application will be held at the August 27th meeting. It should be noted that Ms. Byerley left the meeting after the discussion on 89-93 Main Street.

Reynolds Street:

Mr. Materazzo stated that he received a letter from abutters to Reynolds Street, Cheryl and Christopher Murphy of 233 Andover Street, who are seeking clarification on two conditions of the approval. The first clarification is on Condition # 5, the placement of the roadway. The roadway is already in place, but it was not built according to the conditions. If built per the conditions, the roadway would be closer to the Murphy property line and would cause exiting vehicle headlights to shine into the front window of the Casper home at 232 Andover Street. It was the intent of the Board at the time to prevent headlights from disturbing the property across the street, so it appears that the conditions contain a typographical error of the word "eastern" instead of "western." The Murphys would like a minor modification to leave the road where it is, instead of having the road torn up to be built per the Conditions. The Murphys are also requesting written clarification from the Board that their driveway can connect to Reynolds Street. The Murphys as well as the owners of the property located at 231 Andover Street have the right to pass and repass on the roadway. Condition #6 appears to state the ability to access and use Reynolds Street lies solely with the easement holder. The intent of that condition was to keep any other future homes from connecting to Reynolds Street.

Cheryl Murphy of 233 Andover Street informed the Board that she would prefer for the roadway to stay where it is. She also stated that she would like clarification on the decision so that she would have the right to connect her driveway to Reynolds Street in the future. Her concern is that whoever purchases the home to be built on Reynolds Street will think that they have exclusive rights in the road.

Mr. Materazzo recommended a minor modification to the original approval for the roadway to stay in place as it is currently constructed or to move it 2 feet to the west. Ms. Duff asked how they could fix the right of access. Mr. Materazzo stated that he did not feel that the right of access needed a modification, only a clarification. The Board agreed the Mr. Materazzo should write the motions while they took up other business.

It should be noted that Ms. Byerley returned to the meeting after the discussion on Reynolds Street.

Dawn Circle Bond Taking - Construction Update:

Ms. Byerley updated the Board on the construction progress at Dawn Circle. The pavement is down and the open items are the as-built plans and the street acceptance documentation. Ms. Byerley recommended that the Board continue the bond taking to January 2014. At that time, the Board will be aware of whether or not they have completed the street acceptance documentation. On a motion by Mr. Macaux seconded by Ms. Loder the Board moved to continue the bond taking to January 2014. **Vote:** Unanimous (4-0).

Planning Board Applications:

Ms. Byerley informed the Board that all Planning Board applications have been updated and a new application for the Special Permit for a Senior Residential Community has been created. The Planning Board fees have also been revised after a review of the fees of the 16 comparable communities.

On a motion by Mr. Macaux seconded by Mr. Bergeron the Board moved to accept the revised Planning Board applications dated July 2013 and the revised Planning Board fees dated July 2013. **Vote:** Unanimous (4-0).

Planning Board Officers:

On a motion by Ms. Loder seconded by Mr. Bergeron the board moved to keep the officers as established for one year. **Vote:** Unanimous (4-0).

It should be noted that Ms. Byerley left the meeting after the discussion on Planning Board Officers.

Reynolds Street:

It should be noted that Ms. Byerley left the room.

On a motion by Mr. Bergeron seconded by Mr. Macaux the Board moved to recommend approval of the minor modification to the Reynolds Street Subdivision Condition #5, to allow the paved roadway to remain centered within the right of way. **Vote:** Unanimous (4-0).

On a motion by Mr. Bergeron seconded by Mr. Macaux, the Board moved to recommend approval to the Reynolds Street Subdivision Condition # 6 to add at the end, "as per plan dated November 30, 2004 as prepared by Land and Environmental Engineering Services, LLC, and approved by the Planning Board on January 11, 2005. **Vote:** Unanimous (4-0).

Bike Plan

Mr. Materazzo stated that he had been working with the Safety Officer and the Acting DPW Director to expand bike routes throughout Town. The plan is to add bike lanes and sharrows on certain roads. During repaving this summer, fog lines were moved over a few feet to give room for cyclists. With the fog line moved, the road appears narrower and slows down vehicles. This is an opportunity to channel people downtown. The Lowell Junction Transportation Management Organization has many cyclists who are excited about these improvements.

Mr. Bergeron asked if there will be signage. Mr. Materazzo answered that signage may be the next step if there is a grant available. Ms. Loder asked if he had thought about putting bike racks in public lots. Mr. Materazzo answered that he had been approached by business about the possibility of a parklet, which would take the place of two parking spaces and be able to accommodate 20 bikes. This is something that they are looking to bring before the Selectmen within the next month. Ms. Duff noted that she sees many bikers in West Andover on their way to Phillips.

Tewksbury Slots Parlor

Mr. Materazzo informed the Board that there is a slots-only casino proposed for Ames Pond Drive in Tewksbury on the border of Andover. Tewksbury will hold a Special Town Meeting on Tuesday, August 20th where residents will vote on a zoning change necessary for the proposal. The zoning change needs a 2/3 vote to pass. If the zoning passes, there will be a referendum vote on September 21st. If approved at that vote, a proposal needs to be submitted to the State by October 4th.

Surrounding communities can negotiate a mitigation package. Traffic study, public safety analysis, public impact analysis, legal review, wetlands analysis and Tier II review are all in Andover's plan for mitigation.

Adjournment: The meeting was adjourned at 9:34 p.m.